THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRUCE KAYE

Appeal No. 95-3283
Application 08/050,911[1]

ON BRIEF

Before CALVERT, COHEN, and CRAWFORD, Administrative Patent Judges.

COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 20. These claims constitute all of the claims in the application.

Appellant's invention pertains to an airboat, propelling means for an airboat, a method for creating an airboat propelling

[1] Application for patent filed April 21, 1993.

system, respective methods for reducing torque, reducing noise, and increasing efficiency relative to an airboat propelling system, and an airboat propulsion system. A further understanding of the invention can be derived from a reading of exemplary claims 1, 6, and 12, copies of which appear in the appendix to the brief (Paper No. 13).

As evidence of obviousness, the examiner has applied the following patents:

Stout	1,842,055	Jan. 19, 1932
Van Veldhuizen	4,421,489	Dec. 20, 1983
Wright	5,090,869	Feb. 25, 1992

The following rejections are before us for review.

Claims 1 through 9, 10 and 11, [2] 12 through 14, and 16

[2] Claims 10 and 11 were set forth in a separate rejection in the final office action (Paper No. 9). This rejection does not appear in the answer (Paper No. 15). However, claims 10 and 11 were discussed on pages 4 and 11 at the end of the rejection of claims 1 through 9, 12 through 14, and 16 through 20, a rejection applying the same art as applied to claims 10 and 11. It therefore appears to us that the rejection of claims 1 through 9, 12 through 14, and 16 through 20 was intended to now include claims 10 and 11, and we therefore group claims 10 and 11 with that rejection.

Cont...

through 20 stand rejected under 35 USC § 103 as being unpatentable over Van Veldhuizen in view of Wright.

Claim 15 stands rejected under 35 USC § 103 as being unpatentable over Van Veldhuizen in view of Wright, further in view of Stout.

The full text of the examiner's rejections and response to the argument presented by appellant appears in the final rejection and answer (Paper Nos. 9 and 15), while the complete statement of appellant’s argument can be found in the brief (Paper No. 13).

OPINION

In reaching our conclusion on the obviousness issues raised in this appeal, this panel of the board has carefully considered appellant’s specification and claims, the applied teachings,[3] and

[3] In our evaluation of the applied patents, we have considered all of the disclosure thereof for what it would have fairly taught one of ordinary skill in the art. See In re Boe, 355 F.2d 961, 965, 148 USPQ 507, 510 (CCPA 1966). Cont...

Additionally, this panel of the board has taken into account not only the specific teachings, but also the inferences which one skilled in the art would reasonably have been expected to draw from the disclosure. See In re Preda 401 F.2d 825, 826, 159 USPQ

the respective viewpoints of appellant and the examiner. As a consequence of our review, we make the determination which follows.

We reverse the examiner's respective rejections of the claims on appeal under 35 USC §103.

Initially, we note that appellant informs us in the specification (pages 2 and 3) that an object of the invention is to provide an airboat with a hollow driven shaft to introduce a predetermined flexure into the system and avoid damage which might result from sharp turning movements. This shaft offers flexibility, strength, and decreased weight.

Simply stated, we are of the opinion that the evidence relied upon does not support a conclusion of obviousness relative to the claimed subject matter.

The ground effect vehicle of Van Veldhuizen includes a motor 22 with a rearwardly projecting power output shaft 28 having a

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342, 344 (CCPA 1968).

seven-bladed fan 30 mounted thereon. The focus of the patentee's attention is on a pair of upstanding steering vanes. The passage in the patent (column 3, lines 20 through 30), referenced by the examiner, addresses the applicability of the vane arrangement to other fluid propelled vehicles, e.g., air boats and propeller aircraft. However, we do not perceive from this statement any inference that the engine and power output disclosed by Van Veldhuizen may appropriately be replaced by any aircraft engine configuration. We, of course, recognize that those of ordinary skill in the art understand that airboats typically employ aircraft engines connected to solid direct-drive shafts (appellant's specification, page 1). Notwithstanding this latter knowledge, we do not discern any basis for selecting the engine and shaft configuration of Wright from among all known aircraft engine arrangements for use with an airboat, apart from appellant's own teaching. The Stout patent does not overcome this deficiency.

Since the only evidence before us fails to suggest the claimed invention, we are constrained to reverse the rejections of appellant's claims under 35 USC § 103. It follows that we need not address the affidavits mentioned in the brief (pages 24

and 25) in light of the absence of a prima facie case of obviousness.

In summary, this panel of the board has reversed each of the examiner's rejections of appellant's claims under 35 USC §103.

The decision of the examiner is reversed.

REVERSED

IAN A. CALVERT Administrative Patent Judge	)
IRWIN CHARLES COHEN Administrative Patent Judge	) BOARD OF PATENT) APPEALS AND) INTERFERENCES
MURRIEL E. CRAWFORD Administrative Patent Judge	)

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